

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:07-CR-00053-F-1

UNITED STATES OF AMERICA)
)
 v.) ORDER
)
 WILLIE JAMES PEARSON)
)

This matter is before the court on Defendant Willie James Pearson's pro se motion to reconsider [DE-63]. Defendant asks this court to reconsider its decision denying Defendant a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). *Id.* at 1. Defendant claims that he was not sentenced as a career offender under U.S.S.G. § 4B1.1 and thus is eligible for a two-level sentence reduction pursuant to Amendment 782 to the United States Sentencing Commission's Sentencing Guidelines (hereafter "the Guidelines"). *Id.* at 1–2.

Amendment 782 to the Guidelines provides for a two-level reduction in the base offense level for drug offenders sentenced under U.S.S.G. § 2D1.1. U.S. Sentencing Guidelines Manual Amendment 782 app. C (Supp. 2014) (U.S. Sentencing Comm'n 2014). Defendants designated as career offenders, however, are not sentenced under § 2D1.1, but under § 4B1.1. *See id.* § 4B1.1. Therefore, Amendment 782 offers no relief for defendants sentenced as career offenders. *See United States v. Munn*, 595 F.3d 183, 187 (4th Cir. 2010).

After reviewing the record, the court concludes that Defendant was sentenced as a career offender under § 4B1.1. Defendant's Presentence Investigation Report ("PSR") indicates that Defendant qualified as a career offender. At Defendant's sentencing, the court adopted the findings of the PSR without amendment. Because Defendant was sentenced as a career offender under U.S.S.G.

§4B1.1, he is ineligible for application of Amendment 782, which applies only to defendants sentenced under U.S.S.G. § 2D1.1. Accordingly, Defendant's motion to reconsider [DE-63] is DENIED.

SO ORDERED.

This the 16th day of September, 2015.

James C. Fox

JAMES C. FOX
Senior United States District Judge